IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7222 of 2005

Between:

Ravuri Narasimha Rao, S/o. Sambaiah Garu,
Sri Kodandaramaswamy Lift Irrigation Society,

Jammulapalem Village, Tangutur Mandal,
Prakasam District, Andhra Pradesh.

..... PETITIONER

AND

1. The District Consumer Forum, Prakasam District,

Ongole, Andhra Pradesh.
2 Bezawada Kotaiah, S/o. Anjaiah,
R/o. Jammulapalem Village, Tangutur Mandalam,

Prakasam District,
Andhra Pradesh.
3 Sri Sudanagunta Sri Hari Rao, S/o. Late Venkata Subbaiah Garu,
R/o. Jammulapalem Village, Tangutur Mandalam,

Prakasam District, Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction under Article 226 of the Constitution of

India, particularly one in the nature of Writ of CERTIORARI, to quash the proceedings in C.D.No. 116/2004 before the District Consumer Forum, Prakasam District, Ongole A.P., as unjust against the jurisdiction after calling for the records and to pass such other orders that this Honourable Court may deem just to pass.

For the Petitioner: Mr. Nuthalapati Krishna Murthy, Advocate.

For Respondent No.1: Government Pleader for Consumer Forum.

The Court made the following:

ORDER: (per Sri B. Sudershan Reddy, J)

The petitioner invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with a prayer to issue a writ of Certiorari to quash the proceedings in C.D No. 116 of 2004 on the file of the District Consumer Forum, Prakasham District.

The sole contention urged by the learned counsel for the petitioner is that the CD filed by respondent No. 2 herein against the petitioner is not maintainable in law. The District Consumer Forum has no jurisdiction to entertain the dispute raised by the 2nd respondent herein. Learned counsel for the petitioner concedes that the petitioner had already filed a counter opposing the CD filed by the 2nd respondent in which the issue relating to the maintainability of the CD is also raised.

The gravamen of the complaint in the instant writ petition is that in spite of such a plea being raised by the petitioner, the District Consumer Forum has not taken up the same for deciding the issue relating to its jurisdiction to entertain the application.

It is needless to direct that if any such plea is raised by the petitioner which will go to the route of the matter, the District Consumer Forum shall decide for itself as to whether it would be appropriate to take up the issue as a preliminary one and consider the same in accordance with law. We are not inclined to entertain this writ petition and decide for ourselves as to whether the District Consumer Forum has jurisdiction or not.

With the aforesaid observations, the Writ Petition shall stand dismissed.

(B. Sudershan Reddy, J)

04-04-2005

(C.V. Ramulu, J)

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To

1. The District Consumer Forum, Prakasam District,

Ongole, Andhra Pradesh.

2. Two CCs to the Government Pleader for Consumer Forum,

High Court of Andhra Pradesh, Hydeabad (OUT).

3. 2 CD copies.

4. 1 CC to MR.NUTHALAPATI KRISHNA MURTHY.